

Wetlands Bureau Decision Report

Decisions Taken
08/04/2008 to 08/10/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2006-01506 VINTAGE TRUST, C/O ENTHUSIASTS INC
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Deny reconsideration to amend and waive to Rule Env-Wt 402.02, Dimensions, to increase the width of an approved pier to 8 ft.

With Findings:

1. A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The applicant concurs with DES findings 1-9.
2. The applicant does not concur with finding # 10.
3. The applicant concurs with DES findings 11 and Rulings 1-4.
4. The applicant submits a waiver request requesting that DES waive Env Wt 402.02 to reconfigure the permitted "E" shaped dock into an "F" shaped dock. The applicant argues that this is less impacting than the permitted structure.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint.
2. RSA 482-A:10, III provides that on reconsideration, DES will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside DES's decision to show that the decision is unlawful or unreasonable.
4. Env Wt 204.04 Waiver criteria provides that a request for a waiver shall be granted if (1) granting the request will not result in : a) An adverse effect to the environment or natural resources of the state, public health, or public safety; or b) An impact on abutting properties that is more significant than that which would result from complying with the rule; and (2) One or more of the following conditions is satisfied: a. Granting the request is consistent with the intent and purpose of the rule being waived: b. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant; or c. For waivers under RSA 482-A:26, III(b), granting the request is consistent with the intent and purpose of that section. (b) No waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement.
5. Env Wt 401.01(a) provides that "the purpose of this chapter is to protect the public trust and other interests of the state of New Hampshire, by establishing requirements for the design and construction of structures in order to prevent unreasonable encroachment on the surface waters of the state and (b) To preserve the integrity of the the surface waters of the state, all structures shall be constructed so as to insure safe navigation, minimize alterations in prevailing currents, minimize the reduction of water areas available for public use..."
6. In 1986 the NH legislature established a pilot program to effect a solution to the problem of the extreme pressure for development of docks, slips and piers on larger great ponds. A committee was established to study the adequacy of existing statutes and regulations for docking on public waters, including, but not limited to, residential community docking. The legislature required that the wetlands board (predecessor to the DES) adopt such for permitting of docks, slips and piers within six months. The wetlands board adopted rules relating to shoreline frontage, boat slips and density of slips allowed on shoreline frontage in April 1986.

C. Findings of Fact and Rulings of Law

1. The waiver request submitted on Reconsideration was signed by Vintage Trust owner, Lee Herrington.
2. The applicant requested to waive Env Wt 402.02 which sets the standard dimensions for a dock on lakes and ponds of 1,000 acres or more at 6 feet in width.
3. The applicant provided a statement that the granting of their waiver request would have no adverse affect on the environment or natural resources of the State. "There is no affect to public health or public safety."
4. The applicant provided that granting the waiver request would have no impact to abutting properties beyond what would normally be allowed at this site (actually much less than allowed).

5. Env Wt 204.04(2)b requires that one of 3 conditions is met; 1. granting the request is consistent with the intent and purpose of the rule being waived; 2. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant; or 3. For dwelling law waivers (RSA 482-A:26, III(b) is consistent with the intent and purpose of that section.

6. The applicant argues that strict compliance with the "rule provides no benefit to the public." However, the applicant provides no factual evidence to support this claim.

7. The applicant argues that strict compliance with the intent of the rule will provide both an "operational and economic impact to the applicant." However, the applicant provides no factual evidence to support this claim. Additionally, the standard under Env Wt

8. Env Wt 204.04(a)(2) b. provides "Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant".

9. In its waiver request, the applicant adopts a lesser standard stating meeting the rule will cause an economic impact --- not an economic hardship.

10. The rule on deck width does provide a benefit to the public in limiting the use of structures for land based activities.

11. The rule provides a limit on construction of docking structures over public waters.

12. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

-Send to Governor and Executive Council-

2008-00037 MILES, MICHAEL & KAREN
NEW LONDON Lake Sunapee

Requested Action:

Deny reconsideration

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The applicant argues that their proposal is similar to numerous other approvals and the Bureau has suddenly changed its interpretation of factors in this application.
2. The applicant argues that separate structures are allowed by the Bureau and cites to other past approvals.
3. The subject parcel has 680 average frontage which the applicant argues translates into 10 allowed boatslips and that their proposal including the existing dockage, only covers 660 sq.ft. thereby proving this is the least impacting alternative for dockage on the site.
4. The applicant argues that Part Wt 302 does not apply to "surface waters" and may only apply to wetlands.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, DES will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside DES's decision to show that the decision is unlawful or unreasonable.
4. Env Wt 401.01 provides that this purpose of this chapter is to protect the public trust and other interests of the state of New Hampshire, by: (a) Establishing requirements for the design and construction of structures in order to prevent unreasonable encroachment on surface waters of the state.
5. Env Wt 401.02 provides that in addition to the requirements of this chapter, evaluation of applications for shoreline projects shall be subject to the applicable requirements of Env Wt 300.
6. Pursuant to Env Wt 303.03(d) this project is minor impact.
7. Env Wt 302.04(a) provides that for any minor or major project the applicant shall demonstrate by plan and example that the

following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction:

(a) Need for the proposed impact;

(b) the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".

8. Env Wt 402.05 provides that an application for a permanent dock shall be approved only when the applicant establishes that:

(1) the proposed dock will be located on a lake over 1,000 acres and the proposed site for the dock is exposed to a radial fetch of at least 1 mile between compass headings 300 to 360 or 0 to 30 degrees, or a radial fetch of at least 2 miles between compass headings 31 to 299 as measured from true north.

9. Env Wt 101.37 "fetch" means the length of uninterrupted water surface over which the wind blows in a constant direction.

C. Findings of Fact and Rulings of Law

1. DES hereby reaffirms the findings of fact and rulings of law made in its June 6, 2008 decision.

2. The applicant has failed to meet Env Wt 302.04(a)(1) and (2) see finding 6 in June 6, 2008 decision. In fact, in the motion for reconsideration the applicant argues that this rule does not apply to surface waters. (But See Env Wt 401.02).

3. The applicant has failed to show that the site justifies the construction of a permanent pier as required under Env Wt 402.05.

4. The applicant has failed to demonstrate that their project meets the intent of Env 401.01.

5. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

2008-00104 NH DEPT OF TRANSPORTATION WINDHAM Golden Brook

Requested Action:

Add shoulders for a bike lane in an existing regional bike network, replace a 48 in. RCP with a 9 ft. x 6 ft. x 64 ft. box culvert countersunk by 2 ft. for a natural stream bed and install stone at the inlet and outlet impacting 5,442 sq. ft. of stream and palustrine wetlands (3,810 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. comm. - no comment

APPROVE PERMIT:

Add shoulders for a bike lane in an existing regional bike network, replace a 48 in. RCP with a 9 ft. x 6 ft. x 64 ft. box culvert countersunk by 2 ft. for a natural stream bed and install stone at the inlet and outlet impacting 5,442 sq. ft. of stream and palustrine wetlands (3,810 sq. ft. temporary). NHDOT project #13113.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 01/11/2008, as received by the Department on January 24, 2008.

2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.

3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

4. Construction equipment shall not be located within surface waters.

5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 5, 2008. Field inspection determined that the current road dimensions are narrow making it difficult to walk or bicycle along the shoulders. The widening should allow enough area for vehicles to pass a bicycle without crossing into the opposite traffic lane. Replacement of the 48 in. culvert with a box culvert should reduce the opportunity for flooding in the roadway and provide more connectivity for aquatic organisms.
6. The project will change the road with two 12-foot travel lanes and no shoulder to two 11-foot travel lanes and four-foot shoulders for a bike lane along an existing regional bike network.
7. The project location is between two existing schools.
8. The project is located more than 0.5 miles downstream of a possible Blanding's turtle location and 2.5 miles upstream of a possible mussel population in Golden Brook. Due to the distances from the project to these species, there should be no impacts.
9. Natural Resource Agency meetings were held at the NH Dept. of Transportation on August 17, 2005 and October 17, 2007 to coordinate the project.
10. DES finds that this project will not have a significant impact on these palustrine and riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

2008-00432 SCHWAGER, ROBERT & MARY
MEREDITH Lake Winnepesaukee

Requested Action:

Install three 6 ft x 4 ft concrete pads and two 6 ft x 40 seasonal docks, and relocate an existing 6 ft x 40 ft seasonal dock to construct a "W" shaped docking structure, install a 14 ft x 30 ft seasonal canopy over the southern slip, to the north of a permitted 2 slip dug in boathouse on an average frontage of 663 ft on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

The Con Com has no objections

Inspection Date: 07/18/2008 by Chris T Brison

APPROVE PERMIT:

Install three 6 ft x 4 ft concrete pads and two 6 ft x 40 seasonal docks, and relocate an existing 6 ft x 40 ft seasonal dock to construct a "W" shaped docking structure, install a 14 ft x 30 ft seasonal canopy over the southern slip, to the north of a permitted 2 slip dug in

boathouse on an average frontage of 663 ft on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated June 29, 2008, as received by DES on July 01, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete pads shall be located entirely behind the undisturbed shoreline above and behind full lake elevation of 504.32.
8. Canopies shall be of seasonal construction type with a flexible fabric cover and shall be removed for the non-boating season.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 663 feet of frontage along Lake Winnepesaukee.
3. A maximum of 9 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 6 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on July 18, 2008, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2002-00629 HOPPE, HENRY/JOSEPHINE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Request to Waive Env Wt 502.01 Duration of Permit pursuant to Env Wt 204.04

Conservation Commission/Staff Comments:

Original proposal placed the 2-slip boathouse within 20 feet of the abutting property, Lot 15. The revised plans dated December 12, 2002, have relocated the proposed boathouse outside the 20 foot setback and will not require a written waiver from the abutter of Lot 15.

APPROVE TIME EXTENSION:

Grant waiver and time extension to permit

With Findings:

1. The overall redevelopment of the Hoppe property was impeded due to no fault of the Hoppes; rather, their contractor declared bankruptcy and the Hoppes were subsequently embroiled in litigation brought by the contractor's creditors and the Hoppes' lender.

2. The work remaining on the project is the construction of the boathouse structure above the foundation and completely out of the water.
3. Since obtaining the permit the Hoppes have removed the cottage and septic system and poured the concrete and dredged the material out of jurisdiction.
4. The applicant has met the criteria of Env Wt 204.04.

2006-01406 AIKENS JR, PETER
RYE Wallis Creek / Tidal Buffer

Requested Action:

Applicant requests to amend the permit description to include the replacement of the septic system.

Conservation Commission/Staff Comments:

The Rye Conservation Commission did not comment on the project.

APPROVE AMENDMENT:

Impact an additional 12 square feet which will total 2,450 square feet within the previously developed 100-foot tidal buffer zone to include 664 square feet of impact within 50-feet of salt marsh to allow for the removal of the existing shed, garage, and dwelling to construct a new single-family dwelling, garage, permeable pavers driveway, and replacement of an antiquated septic system on a single-family residential lot of 0.99 acres.

With Conditions:

1. All work shall be in accordance with the following plans:
 - a.)Wetland Permit Plan by Ames MSC dated June 8, 2006 and revised on October 16, 2006, as received by the Department on October 18, 2006.
 - b.)Proposed Sewage Disposal System Plan by NHSC, Inc. dated May 2008, as received by the Department on May 23, 2008.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All gutters on the garage and dwelling shall drain away from the marsh.
8. The driveway shall be constructed of permeable pavers only.
9. There will be no water, sewer or septic system hook-up for the garage which shall be used only for garaging and storage and will at no time ever be used as a dwelling or living quarters even on a temporary basis.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), as this project is within 50 feet of salt marsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., as the applicant intends to remove the existing structures on the lot and construct a new garage and dwelling
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03., as the two existing structures closest to the marsh will be demolished and a new garage with a smaller foot print will be constructed in their place further from the salt marsh.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a)and (c) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant owns the lot identified as Rye Tax Map 17.3 Lot 6, therefore the applicant does not have to obtain written concurrence for those impacts within 20-feet of their property.

6. NH Natural Heritage Bureau (NHNHB) has record of four state threatened plant species within the project vicinity, Beach Grass (*Ammophila breviligulata*), Salt-loving Spike-rush (*Eleocharis uniglumis*), Salt-marsh Gerardia (*Agalinis maritima*), Tall Wormwood (*Artemisia campestris* ssp.). NHNHB also has record of one plant vertebrate species of special concern within the project vicinity, Virginia Rail (*Rallus limicola*). Lastly, NHNHB identified five exemplary natural communities, High salt marsh, Low salt marsh, Saline/brackish subtidal channel/bay bottom, Tidal creek bottom.
7. DES finds that none of the NHNHB identified items will be impacted as a result of this project, as the property is currently fully developed and does not support the listed plant species. In addition, the storm water from the roofs and driveway will be managed with gutter draining away from the marsh and permeable pavers, respectively.
8. DES finds that the construction of the garage (664 s.f.) meets Env-Wq 1405.04, as the applicant will be demolishing two grandfathered out buildings, totaling 680s.f., located within 15 feet of the highest observable tide line, thereby decreasing the total square footage within 50-feet of the salt marsh.
9. On October 18, 2006 DES received a request to amend the original impacts. An additional 12 square feet of impact will result due to the enlargement of the garage on the lot. The garage will not encroach closer to the marsh.
10. On May 23, 2008, DES received a request to amend the permit description to include the replacement of the septic system. No further impacts will occur on site outside the scope of the two previous approvals.

2007-02200 OSTIA REAL ESTATE ASSOCIATES LLC
EPSOM Unnamed Wetland

Requested Action:

Dredge and fill a total of 17,422 square feet of palustrine forested wetlands in the commercial subdivision of 11.68 acres into two lots and develop the lots for retail use.

APPROVE RECONSIDERATION:

Dredge and fill a total of 17,422 square feet of palustrine forested wetlands in the commercial subdivision of 11.68 acres into two lots and develop the lots for retail use.

With Conditions:

1. All work shall be in accordance with plans by Woodland Design Group dated April 16, 2007, and revised through July 28, 2008 as received by the Department on July 28, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during periods of non-flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. This approval is contingent on receipt by DES of a one time payment of \$45,774.52 to the DES Aquatic Resource Mitigation

(ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h); projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The applicant has demonstrated that the proposal is advantageous to the local area and there is a need in the community.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided several alternatives for the development of lot 19B. All the alternatives require the filling of the two isolated wetlands.
5. The two wetlands to be filled for lot development are isolated low quality wetlands.
6. The isolated wetlands are not functioning as vernal pools in accordance with the report from Schauer Environmental.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
9. The Epsom Conservation Commission is in favor of the proposed project.
10. The town of Epsom is requiring the connection of the roadway to the northern lot.
11. The town of Epsom is requiring the connection of the roadway to the western lot.
12. The application meets all the requirements of Env-Wt 304.09(a).
13. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
14. The payment calculated for the proposed wetland loss equals \$45,774.52.
15. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
16. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack watershed per RSA 482-A:29.

2007-02430 HAYWARD, SCOTT & JEAN
LACONIA Winnisquam Lake

Requested Action:

Replace an existing 70 linear feet of concrete retaining wall a block wall in the same location and configuration on Lake Winnisquam, in Laconia.

Conservation Commission/Staff Comments:

Con Com has no comments

APPROVE PERMIT:

Replace an existing 70 linear feet of concrete retaining wall a block wall in the same location and configuration on Lake Winnisquam, Laconia.

With Conditions:

1. All work shall be in accordance with plans as received by DES on July 25, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Repair shall maintain existing size, location and configuration.
5. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
6. Work shall be done during drawdown.

7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair of existing retaining walls.
2. The applicant submitted information to the file supporting the claim the requested information was submitted in a timely manner.

2007-02933 STADTMILLER, MARIE
PELHAM Unnamed Wetland

Requested Action:

Dredge and fill a total of 8,100 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with three (3) culvert crossings and drainage structures to provide access to a 12-lot residential conservation subdivision on a 29.09 acre parcel of land of which 14.3 acres will be provided as open space to be protected, in perpetuity, under a conservation easement.

Conservation Commission/Staff Comments:

"The Pelham Conservation Commission was pleased that this applicant redesigned and resubmitted this application as a Conservation Subdivision. ... The Pelham Conservation Commission voted unanimously to send a positive recommendation to NHDES in support of this revised Dredge and Fill application."

APPROVE PERMIT:

Dredge and fill a total of 8,100 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with three (3) culvert crossings and drainage structures to provide access to a 12-lot residential conservation subdivision on a 29.09 acre parcel of land of which 14.3 acres will be provided as open space to be protected, in perpetuity, under a conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated May 1, 2008, as received by DES on May 12, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Pelham Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Record approved plan with conservation easement for each appropriate lot within 30 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

2008-00665 STRATFORD, TOWN OF
STRATFORD Kimball Brook

Requested Action:

Dredge and fill approximately 1148 sq. ft. of Kimball Brook for replacement of an existing 10 ft. span x 2.5 ft. rise x 35 ft. run cast-in-place open bottom concrete culvert with a 15 ft. span x 5 ft. rise x 40 ft. run precast open span bridge and associated wing walls and associated rip-rap wing wall protection. The final stream channel surface disturbed by the bridge replacement will be restored with natural round stone or existing stream bed materials to pre-construction conditions.

APPROVE PERMIT:

Dredge and fill approximately 1148 sq. ft. of Kimball Brook for replacement of an existing 10 ft. span x 2.5 ft. rise x 35 ft. run cast-in-place open bottom concrete culvert with a 15 ft. span x 5 ft. rise x 40 ft. run precast open span bridge and associated wing walls and associated rip-rap wing wall protection. The final stream channel surface disturbed by the bridge replacement will be restored with natural round stone or existing stream bed materials to pre-construction conditions.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, PLLC, plan sheets 1 through 5 of 5 dated March 2008 (sheets 2 and 3 revision dated April 2008, please note sheet 3 has additional revisions after April 2008 which are not reflected by the submitted plan date), as received by DES on July 22, 2008.
2. Work shall be done during low flow.
3. There shall be no excavation or operation of construction equipment in flowing water.
4. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. The stream channel bed shall be restored with natural round stone or existing streambed materials and shall not include angular rip-rap.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
13. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.

17. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
18. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
19. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
20. A post-construction report documenting the status of the restored streambed shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed bridge structure provides a larger hydrological opening than currently exists.
6. The applicant has obtained permission from the abutter to the proposed work.
7. The NH Fish and Game Department had comments regarding the proposed embedded culvert materials. The project has since been revised to an open bottom structure with a natural stream bed.
8. The Connecticut River Headwaters Subcommittee has reviewed the project and recommended approval of the project.

2008-00828 HERTEL, FREDRICK & MARY BETH
TUFTONBORO Unnamed Wetland

Requested Action:

Dredge and fill 8264 square feet of palustrine forested wetland in the subdivision of 65.4 acres into 19 single family residential lots.

APPROVE PERMIT:

Dredge and fill 8264 square feet of palustrine forested wetland in the subdivision of 65.4 acres into 19 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Lindon Design Associates dated January 1, 2007, as received by the Department on May 19, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during periods of non-flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

10. Proper headwalls shall be constructed within seven days of culvert installation.
11. The existing area of the woods road not impacted by the proposed roadway shall be revegetated. This area shall be seeded with a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The impacts are for the construction of a subdivision road for access to buildable upland areas.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has utilized 2:1 side slopes, is crossing the wetlands in the narrowest locations and is crossing at the existing disturbed areas.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The applicant has identified three potential vernal pool areas.
8. The applicant has maintained 75% coverage for the 750 foot buffer around these pools on the subject lot.
9. The applicant has kept all building envelopes 100 feet from the potential vernal pool locations.
10. The conservation commission has not provided comments regarding this project.

2008-00866 BOKSANSKE, FRANCIS
DANVILLE Unnamed Wetland

Requested Action:

Dredge and fill a total of 9,653 sq. ft. of palustrine scrub-shrub and wet meadow for work associated with the restoration of an existing wildlife pond, including the installation of a new water control structure, as designed by the USDA Natural Resources Conservation Service as a Wetland Reserve Project.

Conservation Commission/Staff Comments:

No report or comments were received from the Danville Conservation Commission on this application.

APPROVE PERMIT:

Dredge and fill a total of 9,653 sq. ft. of palustrine scrub-shrub and wet meadow for work associated with the restoration of an existing wildlife pond, including the installation of a new water control structure, as designed by the USDA Natural Resources Conservation Service as a Wetland Reserve Project.

With Conditions:

1. All work shall be in accordance with plans by USDA Natural Resources Conservation Service dated 11/07, as received by DES on May 23, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Culvert outlets and water control structure shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged materials shall be disposed of outside of the jurisdiction of the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This wildlife pond restoration has been designed by the USDA Natural Resources Conservation Service as a Wetland Reserve Project.

2008-00879 **GRANLUND, JOAN**
LYME **Unnamed Stream**

Requested Action:

Dredge and fill approximately 140 sq. ft. of an unnamed perennial stream for replacement of an existing 5 ft. span x 5 ft. high x 18 ft. run stone box culvert with a 12 ft. span x 9.5 ft. to 13.5 ft. high x 16 ft. run "CON/SPAN" precast arch bridge. The final stream channel surface disturbed by the bridge replacement will be restored with natural round stone or existing stream bed materials.

APPROVE PERMIT:

Dredge and fill approximately 140 sq. ft. of an unnamed perennial stream for replacement of an existing 5 ft. span x 5 ft. high x 18 ft. run stone box culvert with a 12 ft. span x 9.5 ft. to 13.5 ft. high x 16 ft. run "CON/SPAN" precast arch bridge. The final stream channel surface disturbed by the bridge replacement will be restored with natural round stone or existing stream bed materials.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC, plan sheets 2 and 3 of 4 dated May 20, 2008, as received by DES on May 30, 2008 and plan sheet 4 of 4 revision dated June 30, 2008, as received by DES on July 22, 2008.
2. Work shall be done during low flow.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. The final surface of the stream channel bed shall be restored with natural round stone or existing streambed materials and shall not include angular rip-rap.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
10. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
15. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
16. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
17. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed bridge structure provides for a much larger hydrological opening than currently exists.
6. The proposed structure will likely improve the existing aquatic organism passage within the stream.
7. The applicant is providing additional stormwater controls on the adjacent uplands to maintain the quality of runoff from the existing access road/driveway.
8. The applicant has obtained permission/construction easement from the abutter for the proposed work.

2008-00930 ANGELO, RICHARD & VIRGINIA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Rebuild existing 24 ft 3.5 in x 22 ft 3 in crib supported boathouse and increase the interior boatslip width 2 ft by reducing the most northerly 4 ft wide crib to 3 ft and the most southerly supporting crib from 9 ft 6 in to 8 ft 6 in on 120 ft of frontage in Moultonborough on Lake Winnepesaukee.

APPROVE PERMIT:

Rebuild existing 24 ft 3.5 in x 22 ft 3 in crib supported boathouse and increase the interior boatslip width 2 ft by reducing the most northerly 4 ft wide crib to 3 ft and the most southerly supporting crib from 9 ft 6 in to 8 ft 6 in on 120 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by Normandin, Cheny & O'Neil, PLLC as received by the Department on May 29, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Boathouse modification shall not result in any change in the footprint or outside dimensions of the structure, including the ridgeline height as measured from the normal high water mark elevation.
4. Any equipment entering surface waters shall be completely free of any imported aquatic plants and animals.
5. No wheeled or tracked vehicles will enter the lakebed and must be operated from the top of bank or from a barge
6. All equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
7. Faulty equipment shall be repaired prior to entering jurisdictional areas.
8. Work authorized shall be carried out to avoid or minimize impacts to spawning and nursery areas during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. This permit does not allow for maintenance dredging.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d) modification of a permanent docking facility providing fewer than 5 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01035 PORTLAND NATURAL GAS TRANSMISSION SYSTEM, WAYNE OO
COLUMBIA Connecticut River

Requested Action:

Dredge and fill approximately 900 sq. ft. (includes approximately 100 sq. ft. of temporary impacts) of intermittent streams for permanent protection of a recently exposed natural gas pipeline. Work in the intermittent streams consists of the following: "Stream 1" installation of concrete articulated matting, rip-rap anchoring and associated grading and filling, installation of live willow stakes, wattles and random placement of 18 in. to 24 in. natural stone for in stream structure on the top of the proposed matting; "Stream 2" impacts will consist of two temporary crossings for access to the gas line protection area.

APPROVE PERMIT:

Dredge and fill approximately 900 sq. ft. (includes approximately 100 sq. ft. of temporary impacts) of intermittent streams for permanent protection of a recently exposed natural gas pipeline. Work in the intermittent streams consists of the following: "Stream 1" installation of concrete articulated matting, rip-rap anchoring and associated grading and filling, installation of live willow stakes, wattles and random placement of 18 in. to 24 in. natural stone for in stream structure on the top of the proposed matting; "Stream 2" impacts will consist of two temporary crossings for access to the gas line protection area.

With Conditions:

1. All work shall be in accordance with plans and narratives by CH2M HILL plan sheets titled "Details and Notes" and "Rehabilitation Plan and Sections" revision dated May 19, 2008, "Maps, Photographs and Notes" revision dated May 29, 2008 and narratives, as received by DES on June 11, 2008.
2. Work shall be done during low flow.
3. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
4. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
6. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
7. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
8. Temporary impact areas shall be regraded to original contours and fully stabilized following completion of work.
9. A post-construction report documenting the status of the stream work and temporary impact restoration shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
10. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
16. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES and New Hampshire Fish and Game Department (NHFGD) staff conducted a field inspection of the proposed project area on May 13, 2008. DES and NHFGD made recommendation for plantings and added structure to the streambed repair area.
6. The applicant incorporated the recommendations into the submitted application.
7. The applicant has received permission from the adjacent landowner to conduct the proposed work.
8. The applicant has requested a waiver to Administrative Rule Env-Wt 301.01(g),-note recently change from Env-Wt 301.01(e).

9. Pursuant to Env-Wt 204 the Department hereby grants the waiver of Env-Wt 301.01(g) for the following reasons:

10. During the DES inspection it was determined that the proposed gas line repair area is within a stream and banks with no associated wetlands.

11. The proposed access area and work area is within and adjacent to an existing utility line right-of-way and Christmas tree growing operation area.

12. The repair work needs to be completed as soon as possible to alleviate the potential hazard to public health which could result from a damaged or leaking gas line.

13. Findings 1-12 demonstrate that the project will not have an adverse effect to the environment or natural resources of the state, public health, or safety.

14. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2008-01195

LANCASTER, TOWN OF

LANCASTER Unnamed Wetland Bunnell Brook

Requested Action:

Dredge and fill approximately 745 sq. ft. (includes 400 sq. ft. of temporary impacts) of Bunnell Brook for replacement of an existing failing 14 ft. span x 7 ft. rise x 20 ft. run clear span I-Beam, concrete deck and concrete abutment bridge with a 16 ft. span 8.4 ft. rise x 27 ft. run clear span pre-cast concrete bridge with a natural stream bed, associated wing walls and rip-rap slope and toe protection. The temporarily impacted stream channel will be restored with natural stream bed materials.

APPROVE PERMIT:

Dredge and fill approximately 745 sq. ft. (includes 400 sq. ft. of temporary impacts) of Bunnell Brook for replacement of an existing failing 14 ft. span x 7 ft. rise x 20 ft. run clear span I-Beam, concrete deck and concrete abutment bridge with a 16 ft. span 8.4 ft. rise x 27 ft. run clear span pre-cast concrete bridge with a natural stream bed, associated wing walls and rip-rap slope and toe protection. The temporarily impacted stream channel will be restored with natural stream bed materials.

With Conditions:

1. All work shall be in accordance with plans by H.B. Bergeron Engineers, Inc., plan sheets 2 and 3 of 3 April 8, 2008, as received by DES on June 27, 2008 and plan sheet 5 of 13 dated July 30, 2008, as received by DES on August 7, 2008.
2. Work shall be done during low flow.
3. There shall be no excavation or operation of construction equipment in flowing water.
4. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. The temporary stream channel impacts shall be restored with natural round stone or existing streambed materials and shall not include angular rip-rap.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
12. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
17. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
18. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
19. A post-construction report documenting the status of the restored temporary impacts to the streambed and project area shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03((1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed bridge structure provides for a larger hydrological opening than currently exists.
6. The proposed structure is a larger span structure and will be installed at a better angle to match the natural stream flow path.
7. The applicant has obtained construction easement from the abutter to the proposed work.
8. The applicant's professional engineer has indicated that the bridge is designed to pass the 100 year storm event.

2008-01389 NH DEPT OF TRANSPORTATION
WESTMORELAND Unnamed Stream

Requested Action:

Install a concrete invert in a 15 ft. x 165 ft. partially collapsed stone arch culvert impacting 2,975 sq. ft. of stream and banks (500 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. no comment

APPROVE PERMIT:

Install a concrete invert in a 15 ft. x 165 ft. partially collapsed stone arch culvert impacting 2,975 sq. ft. of stream and banks (500 sq. ft. temporary). NHDOT project #66021A.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Rail and Transit dated 7-11-08 as received by the Department on October July 21, 2008.
2. Dredged material shall be placed for stabilization or out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

4. Construction equipment shall minimize the impacts within surface waters as noted in the construction sequence.
5. The tracks or tires of the equipment crossing the stream shall be devoid of soil material prior to the two crossings.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Bank repair shall be constructed within seven days of the culvert repair.
11. Work shall be done during low flow.
12. The file shall be notified in writing at least 24 hours prior to the project start date.
13. Photos of the project shall be submitted to the file within 30 days of stabilization.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The removal of 500 sq. ft. of granite from the collapsed outlet was previously approved per permit 2003-02440 issued on November 25, 2003.

MINIMUM IMPACT PROJECT

2008-00843 ROSEWOOD BUILDERS LLC, ROBERT LAROCHELLE
NEWTON Unnamed Wetland

Requested Action:

Impact 1,740 square feet of upland within an existing conservation easement to utilize an existing woods road for access to a single family residential dwelling on 3.11 acres

Conservation Commission/Staff Comments:

The Newton Conservation Commission supports the application.

APPROVE PERMIT:

Impact 1,740 square feet of upland within an existing conservation easement to utilize an existing woods road for access to a single family residential dwelling on 3.11 acres

With Conditions:

1. All work shall be in accordance with plans by S.E.C. & Associates, Inc. dated November 1 2006 and revised on May 15, 2008, as received by DES on May 28, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.

5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The applicant requests to access a buildable lot by utilizing an existing woods road, therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. While there will be no direct jurisdictional wetland impacts, the applicant request to upgrade an existing woods road for access within an existing conservation easement, therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES approved permit 2001-01476 to fill a total of 6,893 sq. ft. of forested wetland and stream using an 18 in. x 46 ft. culvert and a 12 ft. x 40 ft. bridge for two road crossings in an 11 lot subdivision on 29 acres. Provide 10.5 acres of Conservation Area and restore 2,226 sq. ft. of wetland and stream by removing a logging road.
6. DES finds that this project will have no adverse affect on the adjacent jurisdictional wetlands as the impacts will occur in uplands approximately 50-feet from the nearest wetland boundary.

2008-00998 MOJE, MYRNA
MOULTONBOROUGH Lakw Winnepesaukee

Requested Action:

Retain 49 linear feet of retaining wall replace in kind with no change in location, configuration or height on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

No comments from the Con Com by August 07, 2008

APPROVE AFTER THE FACT:

Retain 49 linear feet of retaining wall replace in kind with no change in location, configuration or height on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans as received by DES on June 10, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during drawdown.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls that is performed "in the dry".

FORESTRY NOTIFICATION

2008-01085 OUIMETTE, DANIEL
COLUMBIA Unnamed Stream

COMPLETE NOTIFICATION:
Columbia Tax Map 409 / 410, Lot# 3 / 53

2008-01487 COLE, GEORGE
MADISON Unnamed Stream

COMPLETE NOTIFICATION:
Madison Tax Map 227, Lot# 49

2008-01488 MANCHESTER WATER WORKS
MANCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Manchester Tax Map 758, Lot# 8

2008-01490 3A DEVELOPMENT CO LLC
HOOKSETT Unnamed Stream

COMPLETE NOTIFICATION:
Hooksett Tax Map 14, Lot# 14-1

2008-01493 BICKFORD, FRED
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R1, Lot# 6

2008-01494 FOREST FUTURES CORPORATION
CORNISH Unnamed Stream

COMPLETE NOTIFICATION:
Cornish Tax Map 19, Lot#2

2008-01495 **BEARD BROOK VILLAGE LLC**
HILLSBOROUGH **Unnamed Stream**

COMPLETE NOTIFICATION:
Hillsboro Tax Map 11E, Lot# 9-1

2008-01503 **RIEL, KEVIN**
CENTER BARNSTEAD **Unnamed Stream**

Conservation Commission/Staff Comments:
Cut related to 7/08 Tornado event

COMPLETE NOTIFICATION:
Ctr BArnstead Tax MAP 7, Lot# 69

2008-01504 **DRED, STATE FOREST NURSERY**
SALISBURY **Unnamed Stream Stirrup Iron Brook**

COMPLETE NOTIFICATION:
Salisbury Tax Map 259, Lot# 1 State Forest Nursery

2008-01505 **DRED, STATE FOREST NURSERY**
SPRINGFIELD **Unnamed Stream**

COMPLETE NOTIFICATION:
Springfield Tax Map 11, Lot# 563,153

2008-01507 **SCHWAEGLER, BRUCE**
ORFORD **Unnamed Stream**

COMPLETE NOTIFICATION:
Orford Tax Map 8-27, Lot# 25

2008-01509 **GAVIN, ANN**
BROOKLINE **Unnamed Stream**

COMPLETE NOTIFICATION:
Brookline Tax Map F, Lot# 18-6

2008-01510 **WOODBURY, DOUGLAS & CAROLYN**
SANDWICH **Unnamed Stream**

COMPLETE NOTIFICATION:
Sandwich Tax Map R13, Lot# 10 & 11

2008-01511 LABRECQUE-RECHCYGL
SANBORTON Unnamed Stream

COMPLETE NOTIFICATION:
Sanbornton Tax Map 1, Lot# 16

EXPEDITED MINIMUM

2006-02260 HAWKINS, RICHARD & REBECCA
CENTER HARBOR Squam Lake

Requested Action:
Amendment request to replace the permanent dock with a seasonal dock.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE AMENDMENT:
Amend permit to read: Replace an existing permanent 5 ft by 39 ft dock supported by a 5 ft by 5 ft crib and a 5 ft by 3 ft 6 in crib accessed by a 5 ft by 8 ft 3 in walkway with a seasonal 6 ft by 39 ft dock accessed by a 6 ft by 8 ft 3 in walkway on 81 ft of frontage on Squam Lake, Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated June 2006, as received by the Department on September 05, 2006 and modified by Island Services on July 24, 2008 as received by the Department on July 25, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on environmental impact.
2. The removal of a permanent dock and installation of a seasonal dock is less impacting than repairing the existing permanent dock.
3. NH NHI and NH Fish and Game will not be submitting comments.

2008-01187 NAKROSIS, PAUL

RYE Tidal Buffer

Requested Action:

Impact a total of 2,937 square feet of previously-disturbed 100-foot tidal buffer zone to include 2,125 square feet of temporary impact and 812 square feet of permanent impact for the replacement of an antiquated septic system with an aerobic pretreatment system for a 4-bedroom single-family residence and a 1-bedroom cottage on approximately 0.286 acres

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 2,937 square feet of previously-disturbed 100-foot tidal buffer zone to include 2,125 square feet of temporary impact and 812 square feet of permanent impact for the replacement of an antiquated septic system with an aerobic pretreatment system for a 4-bedroom single-family residence and a 1-bedroom cottage on approximately 0.286 acres

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated June 2008, as received by DES on June 30, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. Outside the scope of this approval, the owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The applicant request to replace the existing, antiquated septic system, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Relative to Env-Wt 303.04, the applicant received written concurrence from the abutter identified as Randall A. Marden (Rye Tax Map 19.4 Lot 54) for the impacts within 20-feet of their property.
6. The natural communities identified in a memo dated June 23, 2008, from the NH Natural Heritage Bureau, will not be adversely affected by this project.

2008-01193 CASELLO, PETER & LAURA

GEORGES MILLS Lake Sunapee

Requested Action:

Replace existing crib supported boathouse located in Georges Mills on Lake Sunapee.

APPROVE PERMIT:

Replace existing crib supported boathouse located in Georges Mills on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Riverside Ecological Designs Inc as received by DES on August 1, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. The boathouse shall remain a single-story structure, and the use shall stay the same.
10. Removed building material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair or replacement of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01337 GUNDERSON, PAUL
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair an existing 47 ft x 36 ft permanent "U" shaped docking structure supported by a 33 ft x 20 ft crib and a 33 ft x 13 ft crib, with a 30 ft x 26 ft single slip boathouse on 181 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application and has not submitted comments by August 01, 2008.

APPROVE PERMIT:

Repair an existing 47 ft x 36 ft permanent "U" shaped docking structure supported by a 33 ft x 20 ft crib and a 33 ft x 13 ft crib, with a 30 ft x 26 ft single slip boathouse on 181 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated June 03, 2008, as received by DES on July 21, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. The repairs shall maintain the existing size, location, and configuration of the structures.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The local Conservation Commission did not sign the Minimum Impact Expedited Application but did not request that the application be held for comments by the 14 deadline. No comments have been received as of August 01, 2008.

2008-01450 CRANSTON, HELGA
TUFTONBORO Lake Winnepesaukee

Requested Action:

Replace an existing pile supported docking structure consisting of a 6 ft x 31 ft dock accessed by a 4 ft x 20 ft dock section on 217 ft of frontage on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing pile supported docking structure consisting of a 6 ft x 31 ft dock accessed by a 4 ft x 20 ft dock section on 217 ft of frontage on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Helga and Brian Cranston, as received by DES on July 31, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas

shall be avoided.

8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 217 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.132, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

TRAILS NOTIFICATION

**2008-01365 MASON CONSERVATION COMMISSION, TOWN OF
MASON Black Brook**

COMPLETE NOTIFICATION:
Mason Tax Map C, Lot# 15

**2008-01435 HOWE, HARRY
SANDWICH Unnamed Stream**

COMPLETE NOTIFICATION:
North Sandwich Tax Map R5, Lot# 21

**2008-01436 GREAT HILL RESERVATION TRUST, SPALDING & LINCOLN T
TAMWORTH Unnamed Stream**

COMPLETE NOTIFICATION:
Tamworth Tax Map 405, Lot# 15

**2008-01437 SAWYER, NATHAN
EFFINGHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Effingham Tax Map 409, Lot# 10, 12

**2008-01479 EISENBUD, DAVID
RANDOLPH Carleton Brook**

COMPLETE NOTIFICATION:

Randolph Tax Map/Lot# R11/72 & R14/8

LAKES-SEASONAL DOCK NOTIF

2008-01392 BATCHELDER, DONALD & MARSHA
WAKEFIELD Sandy Pond

COMPLETE NOTIFICATION:
Wakefield, NH Tax Map 77 Lot 3
Sandy Pond

2008-01393 CONNOLLY, JAMES/JEAN
NEW LONDON Sunapee Lake

COMPLETE NOTIFICATION:
New London, NH Tax Map 68 Lot 4
Lake Sunapee

2008-01460 KREH, GORDON
CANAAN Goose Pond

COMPLETE NOTIFICATION:
Canaan, NH Tax Map 4N Lot 31-8
Goose Pond

2008-01462 KINNEAR, RUSSELL & MARY
ATKINSON Island Pond

COMPLETE NOTIFICATION:
Atkinson, NH Tax Map 22 Lot 27
Island Pond

2008-01476 SUNSET RANCH CAMP INC, ROLAND DURHAM
ORFORD Upper Baker Pond

COMPLETE NOTIFICATION:
Orford, NH Tax Map I-91 Lot 45
Upper Baker Pond

ROADWAY MAINTENANCE NOTIF

2008-01480 NH DEPT OF TRANSPORTATION
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:

Replace 24" X 100' culvert with 18" X 100'

2008-01481 NH DEPT OF TRANSPORTATION
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Replace existing 18" CMP with 15" plastic pipe

2008-01482 NH DEPT OF TRANSPORTATION
DURHAM Unnamed Stream

COMPLETE NOTIFICATION:

Replace existing culvert and dredge drainage swales of debris

2008-01483 GILMANTON, TOWN OF
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:

Replace existing culvert

2008-01484 NH DEPT OF TRANSPORTATION
NORTHUMBERLAND Unnamed Stream

COMPLETE NOTIFICATION:

Ditch maintenance on outlet of pipe

2008-01485 LEE, TOWN OF
LEE Unnamed Stream

COMPLETE NOTIFICATION:

1. Replace existing 12" X 30' CMP pipe with 12" plastic pipe, same length
 2. Replace existing 12" X 30' CMP with a 12" X 32'
 3. Replace existing 12" X 34' CMP with 12" X 34'
- All projects on Gile Road

2008-01489 LEE, TOWN OF
LEE Unnamed Stream

COMPLETE NOTIFICATION:

1. Replace CMP 24" X 40' culvert with 24" X 40'
 2. Replace 12" X 40' CMP pipe with 12" X 40'
 3. Replace 18" X 40' CMP pipe with 18" X 40'
- All 3 projects on High Road

2008-01492 LEE, TOWN OF
LEE Unnamed Stream

COMPLETE NOTIFICATION:

Replace 24" X 36' CMP pipe with 24" X 40' on Birch Hill Road

2008-01496 NH DEPT OF TRANSPORTATION
JEFFERSON Unnamed Stream

COMPLETE NOTIFICATION:

Replace 2' RCP with 2' plastic

2008-01497 NH DEPT OF TRANSPORTATION
LANCASTER Unnamed Stream

COMPLETE NOTIFICATION:

Replace culvert in same location

2008-01498 NH DEPT OF TRANSPORTATION
ANDOVER Unnamed Stream

COMPLETE NOTIFICATION:

Dig out existing 15" steel pipe and replace with 18" plastic

PERMIT BY NOTIFICATION

2008-01166 HODGE, RONALD
WOLFEBORO Lake Winnepesaukee

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2008-01403 PSNH
DERRY Unnamed Wetland Stream

Requested Action:

Temporarily impact 340 square feet within the bed and banks of an intermittent stream and scrub/shrub wetland for the maintenance of a structure within the utility right-of-way.

Conservation Commission/Staff Comments:

The Derry Conservation Commission signed the PBN.

PBN IS COMPLETE:

Temporarily impact 340 square feet within the bed and banks of an intermittent stream and scrub/shrub wetland for the maintenance of a structure within the utility right-of-way.

2008-01407 GOODRICH, JOHN/MELANIE
FITZWILLIAM Unnamed Stream

Requested Action:

Dredge and fill 85 square feet of intermittent stream to install twin 15-inch x 17-foot CPE culverts for driveway access to a single family residence.

PBN IS COMPLETE:

Dredge and fill 85 square feet of intermittent stream to install twin 15-inch x 17-foot CPE culverts for driveway access to a single family residence.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01408 PSNH, PAUL MEEHAN
BOW Unnamed Wetland

Requested Action:

Impact 720 square feet of palustrine forested wetlands for transmission line maintenance.

PBN IS COMPLETE:

Impact 720 square feet of palustrine forested wetlands for transmission line maintenance.

2008-01409 PSNH, PAUL MEEHAN
BOW Unnamed Wetland

Requested Action:

Impact 720 square feet of palustrine forested wetlands for transmission line maintenance.

PBN IS COMPLETE:

Impact 720 square feet of palustrine forested wetlands for transmission line maintenance.

2008-01477 GALLANT, FREDERICK
WOLFEBORO Lake Winnepesaukee

Requested Action:

Install two Personal Watercraft Lifts.

PBN IS COMPLETE:

Install two Personal Watercraft Lifts.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ad) installation of a personal water craft lift.

CSPA PERMIT

2008-00815 ALLISON, JANE TRUST - 1998
RYE Atlantic Ocean

Requested Action:

Replace an existing conforming primary structure with a proposed conforming primary structure located within the protected shoreland on property with 116 ft of shoreline frontage on the Atlantic Ocean in Rye.

Inspection Date: 07/11/2008 by Thomas Gilbert

APPROVE PERMIT:

Replace an existing conforming primary structure with a proposed conforming primary structure located within the protected shoreland on property with 116 ft of shoreline frontage on the Atlantic Ocean in Rye.

With Conditions:

1. All work shall be in accordance with revised building plans by NHSC Inc. dated July 28, 2008 and received by the Department of Environmental Services ("DES") on July 30, 2008 and revised planting plans by NHSC Inc. dated July 22, 2008 and recieved by DES on July 25, 2008.
2. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
4. Proposed plantings shall have a 75% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 75% success rate is achieved.
5. The proposed porous asphalt shall be installed and maintained in accordance with the manufacturers specifications.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01335 WILLIAMS, LINDA & DAVID
HAMPSTEAD Island Pond

Requested Action:

Construct 806 sq ft of new open porch and deck area attached to an existing nonconforming primary structure on property with approximately 530 ft of frontage on Island Pond in Hampstead.

APPROVE PERMIT:

Construct 806 sq ft of new open porch and deck area attached to an existing nonconforming primary structure on property with approximately 530 ft of frontage on Island Pond in Hampstead.

With Conditions:

1. All work shall be in accordance with plans by Todd Wallace from Dube Plus Construction dated July 8, 2008 and received by the Department of Environmental Services ("DES") on July 18, 2008.
2. No more than 19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,590 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,724 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. No open porch or deck shall extend more than 12 ft from the existing structure towards the reference line.
5. There shall be no expansion of interior living space unless additional approval is obtained from DES.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. In accordance with RSA 483-B:11, I, an open porch or deck may be added to a nonconforming structure within the primary building setback provided that it does not extend more than 12 feet from the structure towards the reference line. No waiver is required for the project as proposed.

CSPA PERMIT W/WAIVER

2008-01349 COUNTY CONSTRUCTION, RICHARD MORWAY
BELMONT Winnisquam Lake

Requested Action:

Permanently remove a 1,436 sq ft nonconforming structure and replace a second existing 1,872 sq ft nonconforming primary structure located within the primary building setback (the "Setback") within the same footprint, on property with approximately 360

ft of frontage on Lake Winnisquam in Belmont.

APPROVE PERMIT:

Permanently remove a 1,436 sq ft nonconforming structure and replace a second existing 1,872 sq ft nonconforming primary structure located within the primary building setback (the "Setback") within the same footprint, on property with approximately 360 ft of frontage on Lake Winnisquam in Belmont.

With Conditions:

1. All work shall be in accordance with plans by Bryan L. Bailey Associates, Inc., modified by John Suldenski and dated February 12, 2008 and received by DES on July 21, 2008.
2. No more than 26.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. No portion of the proposed primary structure being replaced shall extend beyond the footprint of the existing primary structure.
4. No trees located within the protected shoreland shall be removed as a result of this project.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant has proposed to completely remove an existing residential unit on the property occupying approximately 1,436 sq ft and stabilize the old footprint with grass.
2. The project shall not impact wildlife identified as sensitive species by the NH Natural Heritage Bureau or NH Fish and Game as there is no tree removal or impacts within jurisdictional wetlands proposed.